

## **EXHIBIT 3B**

<p>1 it.</p> <p>2 A Some are – we get this information from 3 the manager, and some are called in, you know, 4 beforehand saying I'm scheduling overtime between 5 these hours and these hours for these particular 6 people.</p> <p>7 And sometimes it was done – sometimes it 8 would be done on an emergency basis, and we would find 9 out about it either the same day or immediately after, 10 and then we would enter it into schedule.</p> <p>11 Q So the schedule should reflect –</p> <p>12 A I don't – I don't really do that 13 anymore. That's the other side but...</p> <p>14 Q When did you do that?</p> <p>15 A Before – before my first employment in 16 WorkForce Management, and I do – that comes under the 17 general heading of daily work, and I do less of that.</p> <p>18 Q Who does that now?</p> <p>19 A Tonya.</p> <p>20 Q Tonya?</p> <p>21 A McKay.</p> <p>22 Q I don't understand how that is included 23 in the schedule.</p> <p>24 Why is that included in the schedule?</p> <p>25 A We put into the – we put into the</p>	<p>Page 78</p> <p>1 work, is that reflected in the schedule?</p> <p>2 A Before they're supposed to work?</p> <p>3 Q Yes.</p> <p>4 A No. Well, when you show up – when you 5 say "show up," I mean, define show up.</p> <p>6 Q Okay. So when you show up to the 5th 7 floor, do you have to badge in?</p> <p>8 A Yes.</p> <p>9 Q Okay. So you badge in, and then what do 10 you do?</p> <p>11 A I just begin work. I don't -- I don't 12 need to log into the phones.</p> <p>13 Q Okay.</p> <p>14 A So I just turn on my computer and I start 15 working.</p> <p>16 Q Okay. Your computer starts up 17 instantaneously?</p> <p>18 A It starts up instantaneously. It takes a 19 couple of minutes for the software to load.</p> <p>20 Q Okay. So when you come in, what's your 21 start time?</p> <p>22 A I was asking for a definition of what you 23 had said and, essentially, what I'm getting at is: 24 Are they – they're sitting there or did they – you 25 know, their attendance starts when they log into the</p>
<p>Page 79</p> <p>1 schedule anything that happens during the day, whether 2 they're in meetings, whether they're absent, whether 3 they're in projects as opposed to being on the phones. 4 Whatever they do, we put that on the 5 schedule so that we can then report on it.</p> <p>6 Q Where is that reported?</p> <p>7 A Through our Totalview software we can run 8 reports on number of hours that they've been in 9 meetings, number of days they've been absent, that 10 type of thing.</p> <p>11 Q Can you run it for the number of overtime 12 hours worked?</p> <p>13 A Yes. You could run it for any – any 14 exception, and that's what we call these items. 15 They're called exceptions.</p> <p>16 Q That's E-X-C-E?</p> <p>17 A Yes, exceptions.</p> <p>18 Q Why is it an exception?</p> <p>19 A That's just a word for it.</p> <p>20 Anything that takes you away from the 21 phones is called an exception.</p> <p>22 Q Okay.</p> <p>23 A Lunch is an exception. Breaks are an 24 exception. Meetings are an exception.</p> <p>25 Q If a CSR shows up half an hour early for</p>	<p>Page 81</p> <p>1 phone.</p> <p>2 I think that's what you're talking about.</p> <p>3 Q Yeah. When is your start time?</p> <p>4 A 6:30 a.m.</p> <p>5 Q 6:30, okay.</p> <p>6 Do you show up before 6:30?</p> <p>7 A Often.</p> <p>8 Q Okay. And do you start your computer 9 then?</p> <p>10 A Often I read the newspaper.</p> <p>11 Q So you just read the newspaper without 12 starting the computer.</p> <p>13 A Right.</p> <p>14 Q And then when 6:30 comes, you start your 15 computer.</p> <p>16 A Yeah.</p> <p>17 Q Do you do it ever before?</p> <p>18 A Sometimes, I'm sure. It's reasonable to 19 assume that I've turned on the computer before exactly 20 6:30. It's reasonable to assume that.</p> <p>21 I don't have any plan or recollection of 22 doing anything on purpose, you know.</p> <p>23 Q But you're exempt, right?</p> <p>24 A I'm exempt, and I don't need to log into 25 the phone.</p>

<p style="text-align: right;">Page 82</p> <p>1 Q Okay. Do you need to log into the 2 computer? 3 A Yes. 4 Q What's the process when you come in? 5 A Actually, you say log into the computer, 6 it's just really turning it on and waiting for the 7 applications to come on. 8 Q You have no password? 9 A I have a password on my computer. 10 Q Okay. When you push the button on the 11 computer, at some point you have to enter a password, 12 right? 13 A Yes. 14 Q And then what happens, all the 15 applications just load for you? 16 A A couple come on automatically, and then 17 I choose the rest. 18 Q What does a CSR do? 19 A Well, I'm not -- I haven't been a CSR for 20 many, many years, so I really can't tell you the steps 21 that they go through. 22 Q When you were a CSR, what did you do? 23 A I -- at my start time, I plugged in the 24 phone, and I turned on the computer. 25 Q What was the phone system at that time?</p>	<p style="text-align: right;">Page 84</p> <p>1 BY MR. LANGELAND: 2 Q Can you tell me what a CRM Delivery 3 Specialist is? 4 A I'm familiar with it as a title. I -- I 5 really don't know -- there is a plethora of titles 6 like that, and I'm not sure what they mean 7 individually. 8 Q You don't know what CRM stands for? 9 A I believe that's Customer Response 10 Management -- 11 Q Okay. 12 A -- or words to that effect -- 13 Q Okay. 14 A -- but I don't want to guess. 15 Q Is there any place where there is -- you 16 know, kind of all the acronyms that IBM uses are 17 written down? 18 A No. 19 MR. RAY: I would like to know it, too. 20 THE WITNESS: So would half the 21 employees. 22 BY MR. LANGELAND: 23 Q What is an IMBPD ToolSuite Team 24 Application? 25 A A team application would be a small</p>
<p style="text-align: right;">Page 83</p> <p>1 A I think it was the same phone system or 2 if it wasn't, it was certainly similar. 3 Q Was it the Avaya phone system? 4 A I want to say it was something else 5 earlier, but I don't believe that I saw an actual logo 6 on the phone, so I'm not sure. 7 Q So how does IBM keep track of an 8 employees' time worked? 9 A Through logging in and logging out on the 10 phone. 11 Q That's it? There's no other program? 12 A Well, that's only keeping track of their 13 attendance to show that they're there, and that's -- 14 that doesn't show if they're working or not so... 15 Q So they may be working before that time 16 that they log on; is that right? 17 A No idea. 18 Q So you just don't know that. 19 A I have no idea if that would be the case 20 or not. 21 Q Okay. 22 (Thereupon, a recess was taken.) 23 MR. LANGELAND: Let's go back on the 24 record. 25 THE WITNESS: Okay.</p>	<p style="text-align: right;">Page 85</p> <p>1 database only used for storage for a particular team. 2 Q Okay. And what kind of team would it be? 3 A The same as -- as above, a WorkForce 4 Management group like mine or a software group, you 5 know, any kind of group. 6 Q Okay. 7 MR. LANGELAND: Let me mark this as 8 Exhibit 1. 9 (Thereupon, marked for identification, 10 Plaintiff's Exhibit Number P-1.) 11 BY MR. LANGELAND: 12 Q Turning your attention to Exhibit 1, have 13 you ever seen this document? 14 A Manager's Team Room. The question is: 15 Have I ever seen this document? 16 Q Yes. 17 A No, I haven't. No, I haven't. 18 Q Do you know what the Managers Team Room 19 is? 20 A I know what team rooms are in general 21 which is what we just described. It would be a -- it 22 would be a database in ToolSuite that any particular 23 group would want to store records in. 24 Q So this is something that is on the 25 network, if you will?</p>

	Page 86		Page 88
1	A Yes.	1	A Managed Business Process Delivery.
2	Q Okay. And ToolSuite is -- can you	2	Q Is that the same as IMBPD?
3	explain that?	3	A It lacks the word "Integrated" in front
4	A ToolSuite is a database out of Lotus	4	of it, but they're probably referring to something
5	Notes.	5	similar.
6	Q All right. This one says: Please be	6	Q And what is CRM?
7	advised that no overtime is required at this time	7	A Customer Response Management or words to
8	until further notification.	8	that effect.
9	A I -- yes.	9	Q Do you have any idea why it's used, why
10	Q And it's by Juanlyn Williams who has sent	10	that term is used?
11	the e-mail, I guess; is that right?	11	A No.
12	MR. RAY: Objection as to foundation.	12	Q Where is it used?
13	I mean, he can certainly read what's on	13	A Where is CRM used?
14	the e-mail, but he's said he's never seen it,	14	Q Yes.
15	so to the extent it calls for speculation, lack	15	A I don't use it myself for anything, so
16	of foundation.	16	I'm not familiar with the best place to use it.
17	MR. LANGELAND: Okay.	17	Q What is a CMS agent group?
18	BY MR. LANGELAND:	18	A CMS is the database connected to the
19	Q You can answer.	19	telephone switch from which we receive data, and the
20	A It appears that Juanlyn Williams sent	20	team -- the agent group is a collection of those
21	the -- sent the memo.	21	people that work for a specific manager for which you
22	Q All right. Do you have any understanding	22	would want to draw reports.
23	about overtime in call centers?	23	Q So, in other words, if you want to look
24	A I'm aware of what overtime is, yes.	24	at a particular group of people at what their call
25	Q And some CSRs work overtime?	25	volume is, this is how you would do it.
	Page 87		Page 89
1	A Yes.	1	A Sure, sure.
2	Q What is the policy regarding working	2	Q Okay. You would look in the CMS
3	overtime for CSRs; do you know?	3	database?
4	A I only --	4	A Yes. You would clear the database and --
5	MR. RAY: Objection, vague and to the	5	and yes.
6	extent -- lack of foundation. You can answer.	6	Q And it would provide you the data?
7	THE WITNESS: I only put that item on	7	A (Witness nodded head.)
8	schedules when managers request it.	8	Q Would it provide you the log-on times for
9	I don't know anything about the overtime	9	the phone?
10	itself or how it works.	10	A That could be one of the queries.
11	BY MR. LANGELAND:	11	Q And the log-off times for the phone?
12	Q So it has to -- it goes on a schedule if	12	A That would be part of the same report.
13	a manager requests it.	13	Q Would it tell you when they logged on to
14	A Yes.	14	the computer?
15	Q All right. And, otherwise, it's not on	15	A No.
16	the schedule.	16	Q Just the phone?
17	A That's right. It comes from the manager.	17	A Just the phone, yeah.
18	Q Do you know if the manager has to approve	18	Q What is a DOR Focal?
19	overtime?	19	A That's my designation. I am -- I am the
20	A I don't know what the procedure is.	20	DOR Focal. There is a focal in Canada, and there is a
21	Q Do you know if call center employees or	21	focal in America, and I'm the -- I'm the U.S. focal.
22	CSRs work overtime if it's not on the schedule?	22	Q And there's only one focal?
23	A In -- in IMBPD, I'm not familiar with	23	A In America for the IMBPD Atlanta/Dallas
24	that happening, but I don't know how that works.	24	area.
25	Q What is MBPD?	25	Q Are there DOR focals elsewhere in

<p>1 America?</p> <p>2 A If there are, I'm not aware of them and</p> <p>3 have no contact with them.</p> <p>4 Q By being the focal, doesn't it imply that</p> <p>5 there are people below you in the chain?</p> <p>6 A No.</p> <p>7 Q It doesn't?</p> <p>8 A No.</p> <p>9 Q But you're the focal?</p> <p>10 A Yes.</p> <p>11 Q Who is the Canada WorkForce Management</p> <p>12 DOR Focal?</p> <p>13 A Patrick -- and I'll spell it. It's</p> <p>14 Fleischmann, F-L-E-I-S-C-H-M-A-N-N.</p> <p>15 Q How many call centers are there in</p> <p>16 Canada?</p> <p>17 A Toronto and Saint John.</p> <p>18 Q Do you know how many CSRs there are?</p> <p>19 A No, I'm sorry, I don't.</p> <p>20 Q What's Americas BTO?</p> <p>21 A Business Transformation Outsourcing and</p> <p>22 it was at one time a label associated with our group</p> <p>23 in Atlanta.</p> <p>24 Q Why?</p> <p>25 A It was -- it was what our organization</p>	<p>Page 90</p> <p>1 Planning, excuse me, and now we're called WorkForce</p> <p>2 Management.</p> <p>3 Q What is SCET?</p> <p>4 A That stands for Software CET, and it's</p> <p>5 one of the groups that we've been discussing.</p> <p>6 Q CET is Customer Entitlement Team?</p> <p>7 A Yes.</p> <p>8 Q Okay.</p> <p>9 A And that one is specifically for</p> <p>10 software.</p> <p>11 Q What is Sametime?</p> <p>12 A Sametime is a -- an instant messenger</p> <p>13 service provided by Lotus Notes.</p> <p>14 Q Do you use Sametime?</p> <p>15 A Yes.</p> <p>16 Q Do CSRs use Sametime?</p> <p>17 A Yes.</p> <p>18 Q Is Sametime time-stamped?</p> <p>19 A Yes.</p> <p>20 Q What is e-TOTALs?</p> <p>21 A I'm not familiar with it because I don't</p> <p>22 use it.</p> <p>23 Q Have you heard about it?</p> <p>24 A I've heard -- I've heard the name, but</p> <p>25 I've never been involved with it.</p>
<p>1 was called, and now it's call IMBPD.</p> <p>2 Q Okay. So this was the precursor to</p> <p>3 IMBPD?</p> <p>4 A I'm not sure of the lineage, but it's a</p> <p>5 previously used name, yeah.</p> <p>6 Q What is Integrated Operations CRM Contact</p> <p>7 Centers?</p> <p>8 A I believe pretty much the same thing.</p> <p>9 Q It's another name for IMBPD call centers?</p> <p>10 A Not directly, but I'm -- I am unfamiliar</p> <p>11 with what specifically that -- that means.</p> <p>12 Q Does it refer to some other kind of a</p> <p>13 call center?</p> <p>14 A I'm not really sure.</p> <p>15 Q Is there any way to find that out?</p> <p>16 A I would -- I would write a letter to my</p> <p>17 manager who would write a letter to someone else who</p> <p>18 might know.</p> <p>19 I -- I don't know what the best place to</p> <p>20 find out -- where that would be.</p> <p>21 Q What is U.S. Resource Planning?</p> <p>22 A That's the second name that my</p> <p>23 organization had.</p> <p>24 The first name was -- was Control Desk.</p> <p>25 The second name was U.S. Planning -- U.S. Resource</p>	<p>Page 91</p> <p>1 Q What's your understanding of what it is?</p> <p>2 A A way to keep track of hours, perhaps,</p> <p>3 but, again, I really don't know.</p> <p>4 Q Who needs to keep track of hours?</p> <p>5 A Would you repeat the question or rephrase</p> <p>6 it?</p> <p>7 Q Who needs to keep track of hours?</p> <p>8 A Who needs to keep track of hours?</p> <p>9 Q Yes.</p> <p>10 A Attendance hours are tracked</p> <p>11 automatically by the telephone. So, in that sense,</p> <p>12 it's an automatic thing, so you don't need to keep</p> <p>13 track yourself, if that answers your question.</p> <p>14 Q I'm just wondering why would you need a</p> <p>15 separate program if you've got the phone?</p> <p>16 A That is the phone. That is the phone</p> <p>17 that I'm talking about.</p> <p>18 Q Okay. But we were talking about</p> <p>19 e-TOTALs.</p> <p>20 A Oh, I'm sorry. I'm not familiar with</p> <p>21 e-TOTALs.</p> <p>22 Q I asked you what your understanding was,</p> <p>23 and you said it was to track hours.</p> <p>24 A Yeah, I assume. I'm not familiar with</p> <p>25 it.</p>

	Page 94		Page 96
1 Q	Do you know if call center employees,	1 A	From the -- from the letters that
2 CSRs use e-TOTALs?		2 you've -- that you're adding to the -- to behind the	word SYS, it sounds like it would be certain software
3 A	I'm not sure.	3 platforms.	4 platforms.
4 Q	You've never heard that?	5 System I would be something like -- it	6 there would be AS400 or AIX systems, that type of
5 A	I've heard -- I've heard the words, but	7 thing.	8 I don't know -- I'm not familiar with
6 I've -- I'm not involved in it at all. I don't use it		9 that particular terminology but judging from those	10 last -- the last letters that you're saying.
7 myself.		11 Q	What's WPLA?
8 It's nothing I would be involved in so		12 A	I don't know.
9 I'm not familiar with it. That would be a manager		13 Q	Tivoli?
10 thing.		14 A	Tivoli is a software product.
11 Q	What is a GTS Sponsor Review?	15 Q	What does it do?
12 A	GTS is a sponsor and a review would	16 A	I don't know.
13 probably be a -- a discussion of how the group is		17 Q	Rational?
14 doing, I -- I assume. Let me just say that, you know,		18 A	Is a software product.
15 I assume.		19 Q	IM?
16 Q	All right. What's GTS?	20 A	For just those two letters together, I
17 A	TS, Technology -- Technological Services	21	don't know.
18 has gone through several different names of which I		22 Q	And what about AIM?
19 believe GTS is the current name, and I'm not sure what		23 A	I don't know.
20 the "G" stands for, but they've been a sponsor of		24 Q	What's the purpose of the call center?
21 ours.		25	MR. RAY: Objection, vague and lack of
22 Q	So some CSRs work for -- in a group		
23 and --			
24 A	Some CSRs work in -- in manager groups		
25 that are sponsored by TS -- by GTS.			
	Page 95		Page 97
1 Q	Okay. And which groups are those; do you	1	foundation.
2 know?		2	THE WITNESS: Well, for a -- but I
3 A	More than one. I know call handle is	3	continue?
4 one. CET is one. I'm not sure which others.		4	MR. RAY: Sure. Unless I instruct you
5 Q	What is a PMR Process Error?	5	not to.
6 A	I don't know.	6	THE WITNESS: Oh, okay. The purpose
7 Q	What is RSS?	7	of -- at least the 5th floor of Atlanta, the
8 A	I don't know.	8	IMBDP is to take customer calls on various
9 Q	What is Storage?	9	different products.
10 A	What is Storage?	10	BY MR. LANGELAND:
11 Q	Yes.	11	Okay. Is that the same in Dallas?
12 A	Is that a capital "S"?	12	Yes. Dallas IMBDP, yeah.
13 Q	Yes.	13	Are there any other kind of groups --
14 A	I -- I'm not familiar. I don't know.	14	call center groups in Dallas that you're aware of
15 Q	Okay. What is SYS X?	15	other than IMBDP?
16 A	I don't know.	16	Not that I'm aware of.
17 Q	SYS I?	17	But there might be?
18 A	SYS I?	18	Yeah. I don't know.
19 Q	Yes.	19	Can you list the job duties that a call
20 A	How do you spell that?	20	center employee does?
21 Q	S-Y-S capital "I"?	21	That's a -- that's a broad question.
22 A	I don't know what it means.	22	Can you be more specific?
23 Q	SYS P?	23	Well, you were a call center employee, a
24 A	(Witness shook head.)	24	CSR at one point, right?
25 Q	SYS E?	25	A Yes.

	Page 98		Page 100
1 Q What would you say that they do?		1 A Unless you're actually looking over their	
2 A Answer customer telephone calls and		2 shoulder, you don't know if they're -- if they're	
3 either resolve a question or -- or pass the		3 working or not or if they're reading the newspaper.	
4 information on to be acted on.		4 Q So the only thing you really do know is	
5 Q Is that all of what they do?		5 when they log in and when they log out; is that right?	
6 A No. I'm sure they have many -- I'm sure		6 A That's the only thing we know?	
7 depending on the group that they have lots of		7 Q I think that was your testimony.	
8 different duties.		8 A For the beginning of the day and the end	
9 Q What other types of duties?		9 of the day, yes, yes.	
10 A Each group would have different duties,		10 Q And then you don't know if they're	
11 I'm sure.		11 working or not while they're there.	
12 Q Is there anything common?		12 A That's right. Yeah, that's right.	
13 A Answering the phones. Yeah, they're		13 We don't really know what they're doing	
14 essentially -- they are, essentially, phone takers.		14 unless we're watching over their shoulder.	
15 Q Okay. Do you know if any call center		15 Q But then, again, you guys monitor them	
16 employees were coming in before their designated start		16 fairly closely; wouldn't you say?	
17 times?		17 A They could be -- they could be	
18 A When you say "coming in," you mean just		18 unavailable awaiting a call, but they might not	
19 being in the building?		19 actually be on the phone. They might be reading the	
20 Q Yes.		20 newspaper.	
21 A And do I know about it?		21 I can't -- I can't say for sure that	
22 Q Yes.		22 they're -- what they're doing.	
23 A I have -- I see people entering the		23 Q Again, the --	
24 building. I'm not aware if they're early or late or		24 A At the end of the day, we can count the	
25 on time.		25 number of calls they've taken; but at any particular	
	Page 99		Page 101
1 Q So you don't know if they are there		1 time, we don't if they're working or not.	
2 before their designated start times?		2 Q Well, does anybody get fired for say	
3 A That's -- that's pretty general. Do you		3 taking, you know, 25 calls when everybody else is	
4 mean like 30 seconds before or 10 minutes before,		4 taking 200?	
5 just -- just before?		5 A I wouldn't know. That wouldn't be my	
6 Q Yes.		6 area. That would be a manager thing.	
7 A I'm not really -- I don't really watch,		7 Q You haven't had any training in the use	
8 and I don't see their cubicles from where I work.		8 of e-TOTALs, I think you testified; is that right?	
9 Q So you don't know whether or not they		9 A No, I never have.	
10 come in beforehand?		10 Q When there's overtime entered on a	
11 A I think it's reasonable to assume that		11 schedule, do you know how an employee would go about	
12 some people come in before their start time.		12 getting paid for that?	
13 Q But you don't know that?		13 A No.	
14 A I don't know it for sure.		14 Q You just see the overtime on the	
15 Q All right. How does IBM track, you know,		15 schedule?	
16 a CSR's time worked?		16 A It's an item on their schedule, the same	
17 MR. RAY: Objection, lack of foundation.		17 as a lunch or a meeting.	
18 You can answer.		18 Q And that's given to you only by the	
19 THE WITNESS: Okay. You really can't		19 manager, right?	
20 track how much they work.		20 A That's right.	
21 You can track when they're in attendance,		21 Q The CSR does not provide you -- say, hey,	
22 you know, when they log in, when they log out.		22 I worked 25 minutes of overtime this month.	
23 BY MR. LANGELAND:		23 A Well, you know, I haven't been -- I	
24 Q What do you mean you can't track how much		24 haven't been on that side of the house for some time.	
25 they work?		25 The avenue that it comes through should	

<p style="text-align: right;">Page 102</p> <p>1 be through the -- through the manager or the manager's 2 assistant.</p> <p>3 Q Now, you said there is a security badge 4 swipe-in to get on your floor?</p> <p>5 A Yes.</p> <p>6 Q And what is it? You have an IBM badge?</p> <p>7 A Yes.</p> <p>8 Q How do you do it? You go next to the 9 door --</p> <p>10 A Some are -- some swipe and some you just 11 hold it up to it, and it works.</p> <p>12 Q So there's more than one?</p> <p>13 A There's more than one type.</p> <p>14 Q But there's more than one place where you 15 would use that?</p> <p>16 A Most doors -- all -- all doors are 17 covered.</p> <p>18 Q How many doors are there for the 5th 19 floor?</p> <p>20 A From the 1500 building -- there's the 21 1500 building and the 1600 building and -- with a 22 bridge in-between.</p> <p>23 For the 1500 building, there is a swipe 24 on the first floor and a swipe on the 5th floor to get 25 in so there's two.</p>	<p style="text-align: right;">Page 104</p> <p>1 MR. RAY: CSRs?</p> <p>2 MR. LANGELAND: Call Center Reps. Isn't 3 that what we've been using as --</p> <p>4 MR. RAY: I just didn't hear it. I 5 didn't mean to --</p> <p>6 BY MR. LANGELAND:</p> <p>7 Q Okay. To get to the 5th floor, every CSR 8 that comes in needs to swipe their badge; is that 9 correct?</p> <p>10 A Yes.</p> <p>11 Q Is there someplace where that data is 12 stored, in other words, the time that somebody comes 13 in and swipes their security badge?</p> <p>14 A I don't know.</p> <p>15 Q Who would know that?</p> <p>16 A Well, I don't know. Either -- either 17 security or IT.</p> <p>18 Honestly, I don't know.</p> <p>19 Q Is that IBM security?</p> <p>20 A The building security.</p> <p>21 Q Who is that?</p> <p>22 Do you have any sense?</p> <p>23 A I don't have a name.</p> <p>24 Q Do you know what a comparison report is?</p> <p>25 A Yes.</p>
<p style="text-align: right;">Page 103</p> <p>1 Q Okay.</p> <p>2 A And on the 1600 building, there's a swipe 3 on the 5th floor.</p> <p>4 Q And you are in the 1500 or 1600 building?</p> <p>5 A I'm actually on the bridge between both, 6 so I can use either address.</p> <p>7 It's my own personal -- I believe that 8 I'm designated as the 1500 side.</p> <p>9 Q Okay.</p> <p>10 A But I actually have a foot in both.</p> <p>11 Q Are there IBM CSRs in both the 1600 12 building and the 1500 building?</p> <p>13 A Yes. It covers both. It's the 5th floor 14 of both buildings which looks like all one floor 15 because it's bridged.</p> <p>16 Q So when you're referring to CSRs on the 17 5th floor, you're referring to both in the 1600 --</p> <p>18 A To either 1500 or 1600, yeah.</p> <p>19 Q And you said the total number of CSRs 20 currently employed on the 5th floor which includes 21 both 1500 and 1600 is how many?</p> <p>22 A 250.</p> <p>23 Q 250.</p> <p>24 MR. RAY: Did you say CSR employees?</p> <p>25 MR. LANGELAND: Yes, CSR.</p>	<p style="text-align: right;">Page 105</p> <p>1 Q What is it?</p> <p>2 A It is a -- it is a comparison between the 3 log-in time and the schedule of a person -- of a 4 group.</p> <p>5 Q Who produces the comparison report?</p> <p>6 A Each group individually.</p> <p>7 Q So each of the groups that has a -- that 8 has CSRs in them produces this document?</p> <p>9 A Yes.</p> <p>10 Q And they do it themselves?</p> <p>11 A There is one designated person, either 12 the manager's assistant or someone else who is 13 officially designated.</p> <p>14 Q And do you know how often they pull that 15 report?</p> <p>16 A It's a daily report, and they can send 17 that report either daily or once a week.</p> <p>18 Q And do you have any sense of how often 19 they do it?</p> <p>20 A Every single -- yeah, every week.</p> <p>21 Q How long has the comparison report been 22 around?</p> <p>23 A Oh, at least a year, I would say.</p> <p>24 Q And before that, it wasn't tracked?</p> <p>25 A It wasn't tracked.</p>

<p style="text-align: right;">Page 106</p> <p>1 Q Why?      2 A We were receiving absence reports just      3 directly from the manager saying, you know, this      4 is -- this is who was late, this is who was absent.      5 Q So the manager would track it before that      6 time?      7 A Yes.      8 Q And they would send it to you in an      9 e-mail?      10 A Yes.      11 Q Was it ever sent in a Sametime message?      12 A Not -- not -- not as a matter of course      13 but we use -- we use E -- what was the question?      14 I'm sorry. What was the question?      15 Q Just wondering -- you're saying that a      16 manager would send you the absence reports of somebody      17 being late.      18 A Yeah. It would usually be an e-mail and      19 usually not Sametime. Although, we would -- although,      20 we use Sametime for quick communications, has John      21 called in?      22 Nothing for the records, just      23 communication.      24 Q And what would you do when you got an      25 absence report from a manager?</p>	<p style="text-align: right;">Page 108</p> <p>1 department but -- but you could certainly run -- the      2 manager could certainly run a log-in/log-out report.      3 Q And that would contain the time that      4 somebody logged in?      5 A Logged in to the telephone, yeah.      6 Q And in terms of logging into the      7 computer, do you have any report that you can run on      8 that?      9 A No, no. I'm sorry.      10 Q Does anybody?      11 A No.      12 Q Nobody keeps that data?      13 A There's -- no. There's no way, no.      14 There's no way for us to do it.      15 Q So when somebody put their password in,      16 there's no record of that?      17 A If there's some, for example, IT record      18 of it, I'm unaware. I'm not familiar with it, but in      19 terms of our world, no.      20 Q Why did they start doing a comparison      21 report a year ago?      22 A Because in the past, we were basing our      23 absence information -- our absence reporting based on      24 good faith reporting from the managers, and we wanted      25 to be a little more exacting in our reporting.</p>
<p style="text-align: right;">Page 107</p> <p>1 A This is considered daily work, and I      2 don't do this myself.      3 But we would mark the -- my department      4 would mark the day's schedule for whatever that      5 exception is, whether it's a meeting or an absence or      6 a late, and we would put it right on their schedule so      7 that we could run reports out later.      8 Q What kind of reports?      9 A Any kind of report. We can ask a      10 report -- as I said earlier, we can ask a report of      11 any of the exceptions.      12 And exceptions are anything that take you      13 off the telephone, illness, late, meeting, projects,      14 building evacuations, any -- any kind of exception.      15 Q Can you do it, for example, if somebody      16 shows up early and logs in early?      17 A Logging in early is not an exception.      18 Q Could you guys track that as a report?      19 A If someone logs in before their start      20 time --      21 Q Yes.      22 A -- is the question?      23 Q Yes.      24 A Could we track that? Not specifically my      25 WorkForce department -- Workforce Management</p>	<p style="text-align: right;">Page 109</p> <p>1 Q Why?      2 A To make sure -- so that we were aware of      3 what the true figures are.      4 Q Why --      5 A So that we could confirm that we have the      6 correct absence figures.      7 Q And by absence figures, you also mean      8 when people start; is that right?      9 A By absence, I mean either absent or late.      10 Q How does IBM determine a budget for the      11 call center; do you know?      12 A I don't know.      13 MR. RAY: Objection, foundation.      14 BY MR. LANGE LAND:      15 Q What about for a particular group?      16 Is there a budget, for example, for any      17 of the groups that you referred to?      18 A Budget is a term I'm not familiar with.      19 I'm not -- I'm not familiar with the      20 process for -- for creating how a sponsor pulls      21 together numbers to create a group, so I'm not      22 familiar with that process.      23 Q Does the sponsor have to pay for the call      24 center services?      25 A That's the general idea, yes.</p>

	Page 110	Page 112
1 Q So a sponsor says, okay --		1 You can answer if you can.
2 A They're hiring us to take the calls.		2 THE WITNESS: Well, I really -- I really
3 Q Right.		3 don't know, though.
4 A Yeah.		4 BY MR. LANGELAND:
5 Q Okay. And in exchange for the money they		5 Q And yet you track --
6 pay you, they want certain service levels.		6 A There -- there are so many variables.
7 A Yes.		7 Q Why do you track overtime?
8 Q And you guarantee them those service		8 MR. RAY: Objection to the extent it's
9 levels.		9 been asked and answered, but you can answer
10 A That would be in a document of		10 again.
11 understanding between -- between us and the sponsor.		11 THE WITNESS: We -- we track all
12 Q And if there's more overtime, the sponsor		12 exceptions in order to report on exceptions of
13 has to pay that overtime; is that right?		13 which that's one.
14 MR. RAY: I'm just going to object to the		14 BY MR. LANGELAND:
15 line of questions for lack of foundation and to		15 Q So you report on overtime just for the
16 the extent it calls for speculation, but you		16 sake of reporting on overtime?
17 can certainly answer.		17 MR. RAY: Objection to the extent it
18 THE WITNESS: Right, right. I'm sorry.		18 misstates his testimony.
19 Please repeat.		19 THE WITNESS: We report on overtime,
20 BY MR. LANGELAND:		20 period.
21 Q How would overtime affect, you know, the		21 BY MR. LANGELAND:
22 relationship with the sponsor?		22 Q What's the purpose?
23 MR. RAY: Objection, calls for		23 A We report on over -- we -- we enter this
24 speculation, lack of foundation.		24 information so that we can run reports on all -- on
25 THE WITNESS: I don't know if it would		25 all items that happen throughout the day, whether it
	Page 111	
1 have any effect.		1 be overtime or meetings or -- or training time.
2 BY MR. LANGELAND:		2 It's -- it's another element to the day,
3 Q Well, let's say this: You guarantee a		3 and we're tracking all the elements of the day.
4 certain service level, right?		4 Q Why would you care about overtime then if
5 A (Witness nodded head.)		5 it didn't make any difference?
6 MR. RAY: The same objections.		6 A I don't understand the question.
7 BY MR. LANGELAND:		7 Q You track overtime for a purpose.
8 Q And let's say the staffing is too low,		8 Do you track it just because that's one
9 and in order to meet the service levels, you have to		9 of the variables you track?
10 have them work overtime, your CSRs.		10 A Yes.
11 Who pays for the overtime?		11 Q Who is interested in it?
12 MR. RAY: Objection, just to the extent		12 MR. RAY: Objection -- well, strike the
13 it calls for speculation.		13 objection.
14 You can answer.		14 THE WITNESS: I would assume
15 THE WITNESS: It would be logical to		15 management --
16 assume that the -- that the sponsor would.		16 BY MR. LANGELAND:
17 BY MR. LANGELAND:		17 Q Why would they be interested?
18 Q Okay. So if there's more --		18 A -- but I don't remember ever actually
19 A But I'm -- I don't -- at -- my level of		19 doing a report solely on overtime.
20 operation is not in that area, so I'm not familiar		20 Q Why would management be interested in
21 with how it works.		21 overtime?
22 Q If there's more overtime worked by the		22 MR. RAY: Objection to the extent it
23 CSRs, isn't that going to throw off the figures?		23 calls for any speculation, lack of foundation.
24 MR. RAY: Objection to the extent it		24 THE WITNESS: In order to track extra
25 calls for speculation. It's vague.		25 expenses or -- or unforecasted expenses.

<p style="text-align: right;">Page 114</p> <p>1 BY MR. LANGELAND:</p> <p>2 Q Who has to pay for the expenses?</p> <p>3 MR. RAY: The same objection to the</p> <p>4 extent it calls for speculation, lack of</p> <p>5 foundation.</p> <p>6 THE WITNESS: It's reasonable to assume</p> <p>7 the sponsor but, again, that's not my area.</p> <p>8 That's not my realm.</p> <p>9 BY MR. LANGELAND:</p> <p>10 Q So if a CSR is working unpaid overtime,</p> <p>11 that would be better for the sponsor, wouldn't it?</p> <p>12 MR. RAY: Objection to the extent it</p> <p>13 calls for speculation, lack of foundation.</p> <p>14 THE WITNESS: I'm not familiar with the</p> <p>15 time – unpaid overtime.</p> <p>16 BY MR. LANGELAND:</p> <p>17 Q You're not familiar with what unpaid</p> <p>18 overtime means?</p> <p>19 A I'm not familiar with – I've never seen</p> <p>20 that term before.</p> <p>21 Q What's unpaid overtime? What do you</p> <p>22 think it is?</p> <p>23 A It sounds like not getting paid for doing</p> <p>24 overtime.</p> <p>25 Q Right. How about "off-the-clock work"?</p>	<p style="text-align: right;">Page 116</p> <p>1 work, do you –</p> <p>2 A Would one -- I don't believe there is</p> <p>3 such a thing as off-the-clock work.</p> <p>4 Q That doesn't happen at all?</p> <p>5 A No.</p> <p>6 Q Nowhere in the world?</p> <p>7 A Not that I'm aware of.</p> <p>8 Q Nobody works off the clock ever?</p> <p>9 A Well, my world right now is strictly</p> <p>10 Atlanta IMBDP.</p> <p>11 I'm not familiar with that ever being</p> <p>12 around because you would use official overtime for</p> <p>13 working extended hours.</p> <p>14 Q Working more than your scheduled time.</p> <p>15 A Yeah.</p> <p>16 Q And you would get paid overtime for that?</p> <p>17 A Well, it's reasonable to assume that you</p> <p>18 get paid overtime for when you work overtime.</p> <p>19 Q And overtime is working more than your</p> <p>20 scheduled hours?</p> <p>21 A Well, they would be scheduled overtime</p> <p>22 hours.</p> <p>23 Q And what about unscheduled overtime</p> <p>24 hours?</p> <p>25 A I don't believe there is such a thing as</p>
<p style="text-align: right;">Page 115</p> <p>1 Have you ever heard of that term?</p> <p>2 A I'm familiar with the term, not -- not</p> <p>3 through IBM.</p> <p>4 Q What do you think it means?</p> <p>5 A The same thing, working – working</p> <p>6 off-the-clock hours, working outside regular hours.</p> <p>7 Q Do you get paid for it or not?</p> <p>8 A You're entering an area that I'm not</p> <p>9 familiar with.</p> <p>10 Q I'm just asking what your understanding</p> <p>11 of what that term is.</p> <p>12 A I -- I have no understanding of that.</p> <p>13 Q No understanding –</p> <p>14 A I have no understanding.</p> <p>15 Q – what off-the-clock means.</p> <p>16 A I have no understanding about that and</p> <p>17 how it relates to IMBDP.</p> <p>18 Q I didn't ask that. I asked what is your</p> <p>19 understanding of it?</p> <p>20 A My personal understanding?</p> <p>21 Q Yes.</p> <p>22 A Well, I did answer. It's working outside</p> <p>23 regular hours.</p> <p>24 Q And do you get paid for that?</p> <p>25 In your understanding, off-the-clock</p>	<p style="text-align: right;">Page 117</p> <p>1 unscheduled overtime hours.</p> <p>2 Q There's nothing?</p> <p>3 A No, because you're -- you're inferring</p> <p>4 then that people on their own could just work</p> <p>5 overtime, making their own decision, and that's a</p> <p>6 manager decision.</p> <p>7 Q Okay. So in order for it to be overtime,</p> <p>8 the manager has to decide that it's overtime.</p> <p>9 MR. RAY: Objection to the extent -- lack</p> <p>10 of foundation, calls for speculation.</p> <p>11 THE WITNESS: Yes.</p> <p>12 BY MR. LANGELAND:</p> <p>13 Q The manager has to approve the overtime?</p> <p>14 A Yes.</p> <p>15 Q So let's say a call center</p> <p>16 representative, a CSR is supposed to stop working at</p> <p>17 5:00 o'clock and takes a call at 4:58, and that call</p> <p>18 lasts until 5:15.</p> <p>19 Would that be overtime?</p> <p>20 A You know, that's not my area. I don't</p> <p>21 know how that works. I would -- I would check with</p> <p>22 the manager on that.</p> <p>23 Q But you just said that that doesn't</p> <p>24 happen in --</p> <p>25 A No. You were asking my opinion.</p>

<p style="text-align: right;">Page 118</p> <p>1 I don't know how that works. That would 2 be a manager thing.</p> <p>3 Q You've never heard of somebody having to 4 stay over because they got a call at the end of the 5 day?</p> <p>6 A That wasn't -- that wasn't the question.</p> <p>7 Q That's the question I'm asking.</p> <p>8 A I don't know how you would define that.</p> <p>9 I don't know how you would define staying 10 a couple of minutes past your schedule if -- you know, 11 if you have a call at the end of the day.</p> <p>12 That's something for the manager to deal 13 with. I don't have to deal with that.</p> <p>14 Q But that occurs, right?</p> <p>15 A I don't know.</p> <p>16 Q You've never heard of that occurring?</p> <p>17 A I honestly don't know because I don't 18 look at that.</p> <p>19 Q You have a -- don't you track anything 20 about, you know, a dropped call?</p> <p>21 A Dropped calls?</p> <p>22 Q For example, let's say I'm a CSR, and I'm 23 there at 4:58, and I get a call. And my end time is 24 at 5:00 p.m., and I just hang up on the guy. 25 What would happen?</p>	<p style="text-align: right;">Page 120</p> <p>1 time?</p> <p>2 A There's no -- there's no report that you 3 can run to do that.</p> <p>4 What you can do is like -- is have the 5 manager look at their schedule, the stop time on the 6 schedule, and then compare it to the log-out time from 7 the log-in/log-out report.</p> <p>8 But it's not an automatic thing. It's 9 something you have to do by hand.</p> <p>10 Q Do you know if call center employees, 11 CSRs are paid for that time that they stay after their 12 stop time?</p> <p>13 A It's -- it's not my area, so I really 14 don't know.</p> <p>15 Q You've never --</p> <p>16 A And I really don't know.</p> <p>17 Q You've never heard of that being an 18 issue --</p> <p>19 A No.</p> <p>20 Q -- anybody putting in for overtime for 21 that?</p> <p>22 A They -- it wouldn't pass through me. I 23 have nothing to do with that.</p> <p>24 Q What is an ILC?</p> <p>25 A It's a -- it's a way to keep track. It's</p>
<p style="text-align: right;">Page 119</p> <p>1 A I don't know that anything would happen 2 except the actual hang up.</p> <p>3 Q Do you track something like that?</p> <p>4 A We track the handle time of the calls, 5 but we can't tell if someone has hung up on somebody 6 in the middle of a conversation.</p> <p>7 Q You can tell, though, if they -- when the 8 call has ended; am I right?</p> <p>9 A We can query a report that gives you an 10 average handle time, but not -- I'm not familiar with 11 a report that would tell you a specific start and stop 12 of an individual call.</p> <p>13 Q Can you --</p> <p>14 A There may be, but it's just not in my 15 experience.</p> <p>16 Q All right. Can you tell if a CSR is on 17 the phone after his scheduled stop time?</p> <p>18 A We can tell that someone has not logged 19 out yet, so -- so we would be looking at that, but we 20 would be looking at it independently from what the 21 schedule is.</p> <p>22 We would just say, yes, this person is 23 currently logged in to the phone.</p> <p>24 Q And can you run a report of times that 25 people were on the phone after their scheduled stop</p>	<p style="text-align: right;">Page 121</p> <p>1 a way to report the hours that you work.</p> <p>2 Q Can you describe it for me?</p> <p>3 A Yes. It's a software application that 4 you pull up and once a week enter how many hours 5 you've worked for each day of the week as -- as either 6 regular work or vacation or ill.</p> <p>7 Q How about overtime?</p> <p>8 A There is not a specific place to put 9 overtime, but you would -- if you had an 8-hour day 10 and you put in 12 hours, then obviously that would be 11 overtime.</p> <p>12 Q And do CSRs use the ILC?</p> <p>13 A I know that I use ILC. I don't know who 14 else uses it.</p> <p>15 Q What does ILC mean?</p> <p>16 A Well, the "I" is for Internet, and I 17 don't remember what the LC stands for.</p> <p>18 Q Do you put start times and end times in 19 the ILC?</p> <p>20 A No, just the number of hours.</p> <p>21 Q Why do you use ILC?</p> <p>22 A Only -- I only use it because I'm 23 required to.</p> <p>24 Q Who required you to do that?</p> <p>25 A Management.</p>

	Page 122		Page 124
1 Q Who's management?		1 MR. LANGELAND: I'm just asking him what	
2 A I don't know from how far up it comes.		2 his understanding is of e-TOTALs.	
3 My -- my direct manager is responsible if		3 MR. RAY: Well, he's already said he	
4 I don't fill it out, but I don't know where it comes		4 doesn't really understand e-TOTALs so -- and he	
5 from.		5 does ILC because managers tell him to, but he	
6 Q Is there some kind of report that's		6 doesn't know why they want to do that.	
7 generated on what the ILC -- or whether the ILC is		7 So now we're going down the road on these	
8 filled out?		8 things he's already said he doesn't understand	
9 A Yeah, I would assume so. I've never seen		9 like we have been for the last hour.	
10 it, something that would notify my manager that I		10 BY MR. LANGELAND:	
11 hadn't filled it out that day. But I've never seen		11 Q Do you know if the data is saved from the	
12 it, but I assume it exists.		12 ILC anywhere?	
13 Q If you wanted to see an ILC, where would		13 A I'm sure it must be, but I don't -- I'm	
14 you go?		14 not familiar with how it works.	
15 A It's an application that's on your		15 Q And do you know how long it's saved for?	
16 workstation.		16 A No, I don't know.	
17 Q So it's saved on each computer		17 Q What's an IBM Start Time Policy for call	
18 individually?		18 center employees?	
19 A No. I believe it's saved centrally on a		19 MR. RAY: Objection to the extent it	
20 network.		20 assumes facts not in evidence, lack of	
21 Q Where?		21 foundation.	
22 A Network.		22 You can answer.	
23 Q Anywhere more specific than that?		23 THE WITNESS: The question -- please	
24 A I can't be more specific. I just know		24 repeat the question.	
25 that it's not saved on my hard drive, so it's saved in		25	
	Page 123		Page 125
1 the network someplace.		1 BY MR. LANGELAND:	
2 Q Why would a CSR need to put their time		2 Q What's the policy for start times for	
3 into ILC if they are using the log-in and log-out on		3 CSRs?	
4 the phone?		4 MR. RAY: Objection to the extent --	
5 MR. RAY: Objection to the extent it		5 THE WITNESS: I don't know.	
6 calls for speculation.		6 MR. RAY: Objection to the extent it	
7 THE WITNESS: Yeah. I don't know what's		7 assumes facts not in evidence and it's lack of	
8 in the mind of upper management when they have		8 foundation -- or lacks foundation.	
9 specific reports to fill out. I don't know		9 Go ahead.	
10 why.		10 THE WITNESS: Okay. I don't know because	
11 BY MR. LANGELAND:		11 I don't deal with that at all.	
12 Q What's the ILC used for?		12 BY MR. LANGELAND:	
13 A To keep track of -- to report your hours.		13 Q Is there a policy regarding start times?	
14 Q Didn't you testify that e-TOTALs is used		14 A It seems reasonable that there should be,	
15 to keep track of hours?		15 but I'm not aware of what it is.	
16 A I said that I -- that I assumed that that		16 Q Well, you've testified that you track	
17 was the case, but that I didn't really know.		17 people that are late -- from CSRs that are late; is	
18 Q Why would you need two programs to do		18 that right?	
19 that?		19 A Yes.	
20 MR. RAY: Objection to the extent --		20 Q And you've testified that you track call	
21 THE WITNESS: I don't know.		21 center productivity; is that right?	
22 MR. RAY: -- it calls for speculation.		22 A We don't use the word productivity, but	
23 Objection to the extent it assumes they		23 you say call center productivity. What I measure is	
24 do the same things, so it assumes facts not in		24 how busy agents are in any particular group in the	
25 evidence.		25 IMBDP.	

Page 126	Page 128
<p>1 Q You testified that there's an adherence 2 report?</p> <p>3 A Yes.</p> <p>4 Q And that has to do with whether people 5 are there at their start times?</p> <p>6 A Partially. It has to do with comparing 7 actual -- comparing the schedule to how they actually 8 act throughout the day. Did they go to lunch on time, 9 did they take their breaks on time, did they come back 10 from lunch on time, that type of thing. Did they -- 11 how closely to the schedule did they follow it.</p> <p>12 Q In your understanding, are CSRs allowed 13 to make their own schedule?</p> <p>14 A No.</p> <p>15 Q Are they allowed to deviate from their 16 designated schedule?</p> <p>17 A There's enough leeway in the measurement 18 that they should be able to have some leeway in there 19 and still maintain their -- their goals.</p> <p>20 Q What do you mean by that?</p> <p>21 A We -- we have a goal of being 90 percent 22 in adherence, and I'm advised that that gives them 23 throughout the day practically a whole hour of 24 variances of being a little late for the break, of 25 being a little early for lunch, you know, that type of</p>	<p>1 understanding of whether or not they needed to be 2 already logged on to their necessary applications 3 before their start times?</p> <p>4 A I would have no -- no understanding of 5 that.</p> <p>6 Q Okay. And you would have no 7 understanding on whether or not they need to be in an 8 available state on their phone before their start 9 times?</p> <p>10 A All of that would be -- would be a 11 manager decision. It's not -- I don't tell the agents 12 what to do.</p> <p>13 Q Would it affect the things that you track 14 if a CSR was late, for example?</p> <p>15 A Would it -- would it affect it?</p> <p>16 Q Yes.</p> <p>17 A I guess I need to know what you mean by 18 "affect."</p> <p>19 Q Well, you have different reports that you 20 look at, right, how busy these guys are during the 21 day?</p> <p>22 A Right.</p> <p>23 Q And if some of them show up late, would 24 it affect your report?</p> <p>25 A No. It's not how busy they are during</p>
Page 127	Page 129
<p>1 thing.</p> <p>2 So we're only asking for 90 percent.</p> <p>3 Q So if they show up 15 minutes late for 4 work, that's no problem?</p> <p>5 A It would reduce their adherence 6 percentage by a certain percentage. I don't know what 7 15 minutes would be, but it would reduce the adherence 8 percentage for that individual.</p> <p>9 Q Do you have any understanding if a CSR is 10 required to have its workstation powered up at the 11 time that they -- or before their start time?</p> <p>12 A I'm sorry. That's not what I do or 13 that's not my area.</p> <p>14 That's -- that would be a manager 15 preference or, you know, that would come from the 16 manager.</p> <p>17 Q So you would have no knowledge of whether 18 they're supposed to have their workstations powered up 19 at their start time?</p> <p>20 A I'm not familiar with what -- what a 21 manager's policy would be.</p> <p>22 Q Okay.</p> <p>23 A And it might change from manager to 24 manager. I don't know.</p> <p>25 Q All right. And you would have no</p>	<p>1 the day. It's how busy they are while they are -- 2 while they are working the telephones.</p> <p>3 So if someone comes in 15 minutes late, 4 that -- that does not affect the main measurement of 5 the daily operating -- the daily operating report 6 which is, you know, the occupancy rate or, again, how 7 busy they are because we're only measuring when 8 they're actually working the phones. So it really 9 wouldn't affect that.</p> <p>10 It would affect the percentage of time 11 that they are on the phone throughout the day. I 12 mean, that would certainly be true.</p> <p>13 Q And are they required to be on the phone 14 a certain percentage of the time?</p> <p>15 A I don't believe so --</p> <p>16 Q Okay.</p> <p>17 A -- or I should say I'm not familiar with 18 any managers' criteria for that.</p> <p>19 Q Have you ever seen a start time policy?</p> <p>20 A I've never seen one.</p> <p>21 Q You don't know if there's one in writing 22 or --</p> <p>23 A I don't even know if there's one in 24 writing.</p> <p>25 Q You've never heard of it?</p>

<p style="text-align: right;">Page 130</p> <p>1 A I've never -- honestly, I haven't.      2 Q You've never heard of whether or not, you      3 know, the managers want them to be there early?      4 A No.      5 Q Okay.      6 A And it's not my world.      7 Q Do you know if IBM has ever been sued      8 because it didn't provide the appropriate service      9 levels in call centers?      10 A No. I'm unaware.      11 Q Sprint ever sued IBM for that?      12 A I don't know.      13 Q Have you ever had a situation or tracked      14 something where Sprint was the sponsor?      15 A No.      16 Q Where is Sprint the sponsor? Do you have      17 any idea for an IBM call center?      18 A There is one, and I'm sorry to say I -- I      19 forget which city it's in. It's in the southwest, I      20 believe.      21 Q Who is Jane Jessup?      22 A Jane Jessup. I'm familiar with a similar      23 name but not that -- that exact name.      24 Q What's the name you're familiar with?      25 A Jane Jesser, J-E-S-S-E-R.</p>	<p style="text-align: right;">Page 132</p> <p>1 done from home.      2 Q What did she do when she worked for IBM?      3 A IT.      4 Q Is she involved in the DOR at all?      5 A Not particularly, no.      6 Q How come you dealt with her?      7 A Just -- just in her role as being an IT      8 person. She will work with -- just -- just as her      9 role in IT.      10 Q Who does she provide IT for?      11 A IMBPD in Atlanta.      12 Q So, in other words, she would check      13 whether the computers were running properly or --      14 A I don't know all the duties that she has      15 but -- but she -- she -- for example, if something is      16 wrong and you place a report -- not a report but if      17 you report it to her, she will then assign someone      18 to -- to help you fix the problem, either some      19 desk-side person, you know, or someone else.      20 If you're having trouble with an      21 application or you're having trouble with your      22 computer, you know, that's -- that's my -- that's my      23 relation with her as part of IT.      24 Q Is there a manual DOR?      25 A There is only a manual DOR. There</p>
<p style="text-align: right;">Page 131</p> <p>1 Q Who is she?      2 A She's an IT person.      3 Q Where does she work?      4 A She works -- she has been a long time      5 IBMer who is now -- who is now with AT&amp;T working with      6 us. Her job did not change, just her boss.      7 Q She works for AT&amp;T now?      8 A Yeah. She's an AT&amp;T employee, but she      9 still has her same desk and, you know, she still works      10 with IBM.      11 Q Where does she work?      12 A I don't know where her -- I don't know,      13 specifically, where she's -- where her -- if she has a      14 workstation anywhere in Atlanta.      15 I know that she used to. I don't know      16 her situation right now, but, you know, we work with      17 her every day and send her e-mail and, you know, that      18 type of thing.      19 Q But you don't know where she's located?      20 A I'm not sure where she's located right      21 now.      22 Q She's not in those two buildings in      23 Riveredge?      24 A She might be maintaining a workstation      25 there, but I would assume that most of her work is</p>	<p style="text-align: right;">Page 133</p> <p>1 is -- there is no press a button and get a report DOR.      2 It's strictly manual done on spreadsheets.      3 Q And it's your colleague, Derrick, that      4 does the DOR; is that correct?      5 A Yes.      6 Q And he's the only one?      7 A He's the only one.      8 Q Have you ever heard of anybody falsifying      9 a DOR?      10 A Well, no, that -- we do it, so we don't.      11 We do the DOR. No one else does. And, no -- and no,      12 I have never, and I don't believe that Derrick has      13 ever falsified a DOR.      14 Q Do you get any data from the managers to      15 do a DOR?      16 A Most of the information comes from the      17 switch. We do get non-telephone work from the      18 individual manager groups.      19 It's called back office, and it might      20 involve working on e-mails instead of a phone call,      21 that type of thing.      22 Q What does it mean when you say most of      23 the data comes from the switch?      24 A In the DOR, as I said previously, volume,      25 average handle time which is -- which is what we get,</p>

<p style="text-align: right;">Page 134</p> <p>1 which is what we're measuring from the phones.      2 Q And that comes from where?      3 A The CMS database which is connected to      4 the switch.      5 Q So it's tracked automatically by the      6 program?      7 A It's -- is it tracked automatically by      8 the program?      9 We have to put through a query to receive      10 it so, obviously, they're storing the information from      11 the switch so, yes -- yes. They're storing it -- the      12 information from the switch.      13 Q But then you do a query and you get the      14 volume and the average handle time.      15 A Yeah, for a particular date or for a      16 particular group, yes.      17 Q Is that all you get, volume and average      18 handle time?      19 A Well, we were talking about this before.      20 Volume and average handle time are the      21 two big ones, but you can get -- there's sometimes      22 more information on that same report.      23 For example, out -- it's both inbound and      24 outbound volume and average handle time, and there's      25 other items, too.</p>	<p style="text-align: right;">Page 136</p> <p>1 Q Okay. It's included, and what I'm      2 wondering is, though, if you're doing more and more of      3 this back-office work, you're spending less time on      4 the phone; is that correct?      5 A The point is that we're measuring all the      6 work that's being done, so we're measuring phone work      7 and back-office work.      8 Q So, in other words, if you want to      9 be -- show the sponsor that you're very productive,      10 you can show the objective data from the CMS      11 database --      12 A Plus the -- plus the back office --      13 Q Okay.      14 A -- information.      15 We -- we would add it together and      16 have -- and have a complete this is the output for the      17 day.      18 Q Okay. And so if you wanted to say show      19 that you had a better service level than you actually      20 did, you might just inflate your back-office work      21 number?      22 A There's no service level relating to      23 calculations in the DOR.      24 There is a line in the DOR where we can      25 put in what the service level had been for the day,</p>
<p style="text-align: right;">Page 135</p> <p>1 There might be an average speed of answer      2 or some other information that we don't use for our      3 particular report.      4 Q And then the back off -- I'm sorry. The      5 manager would provide you with some data on back      6 office?      7 A Yes, uh-huh.      8 Q And what is that data?      9 A And that would be the same data that      10 we're looking for for phone calls, volume and -- we      11 usually already know the average handle time, so we're      12 looking for back-office volumes.      13 Q What does that mean?      14 A Back office means non-phone activities      15 that we're tracking. It could be working a -- working      16 an e-mail or it could be working on a log.      17 That's really -- those are really the two      18 big ones, e-mails and logs.      19 Q All right. So if you're doing that      20 back-office work, it's safe to say that the service      21 levels are going to go down; isn't that correct?      22 A No. We include -- we include that work.      23 We include those volumes as part of the      24 total handle time to show how busy they are. So, yes,      25 that is included.</p>	<p style="text-align: right;">Page 137</p> <p>1 but it has nothing to do -- remember, service level is      2 an external measurement, and the occupancy rate of the      3 DOR is strictly an internal measurement to show how      4 well we got to that service level.      5 And to answer your question, if you      6 wanted to increase -- give a false report and increase      7 your volume by sending me a false report, would that      8 show them as being more occupied?      9 It would because it would increase the      10 amount of work that we show that they did during the      11 same hours so, yes.      12 Q Has anybody ever done that?      13 A Not to my knowledge.      14 Q How are managers paid?      15 Are they paid to a certain extent based      16 on how productive the call center or their --      17 A I'm sorry.      18 MR. RAY: I'll object.      19 THE WITNESS: I don't know.      20 BY MR. LANGELAND:      21 Q You take whatever they provide you -- in      22 terms of the manager -- that back-office number. You      23 just accept that --      24 A It's good faith reporting, yes.      25 Q Is there a regular conference call</p>

<p style="text-align: right;">Page 138</p> <p>1 regarding the productivity of call centers?</p> <p>2 A Of call centers?</p> <p>3 Q Yes.</p> <p>4 A Nothing that I'm involved with.</p> <p>5 I mean, you're talking nationwide, it</p> <p>6 sounds like. I'm sure that there are professional</p> <p>7 groups out there that might get together, but I'm not</p> <p>8 familiar with them.</p> <p>9 Q I meant for IBM.</p> <p>10 A No.</p> <p>11 Q There's nothing. There's no call on</p> <p>12 Tuesday regarding --</p> <p>13 A Not that I --</p> <p>14 Q -- how productive -- a conference call?</p> <p>15 A Not that I'm involved in.</p> <p>16 There had been a Tuesday call or -- I</p> <p>17 think it was Tuesdays. There had been a weekly or</p> <p>18 monthly call that managers would attend -- excuse</p> <p>19 me -- that second-line managers would attend, but it's</p> <p>20 been a long time since we've done that, at least over</p> <p>21 a year.</p> <p>22 Q What was that call?</p> <p>23 A I had an informal name for it but the --</p> <p>24 there was an official name for it. I would simply</p> <p>25 call it the monthly report, but it did have an</p>	<p style="text-align: right;">Page 140</p> <p>1 believe I'm answering all of them.</p> <p>2 Q Okay, great.</p> <p>3 THE WITNESS: Don't type that or put a</p> <p>4 little smiley. You know what I mean?</p> <p>5 (Thereupon, an off-the-record discussion</p> <p>6 was held.)</p> <p>7 BY MR. LANGELAND:</p> <p>8 Q Who was on that call?</p> <p>9 MR. RAY: Objection to the extent it</p> <p>10 calls for speculation.</p> <p>11 THE WITNESS: Under normal circumstances,</p> <p>12 it would be the second-line managers and the</p> <p>13 third-line manager.</p> <p>14 BY MR. LANGELAND:</p> <p>15 Q And the second-line managers were</p> <p>16 Sharon Lofton and Granger?</p> <p>17 A In Atlanta and Debbie Bigley and</p> <p>18 Rick Mainini in Dallas, and they're all reporting to</p> <p>19 Melody Curtis.</p> <p>20 Q Okay. And she was the third-line</p> <p>21 manager --</p> <p>22 A Yeah.</p> <p>23 Q -- on that call.</p> <p>24 A Is, yeah, or was, yeah.</p> <p>25 Q Did you e-mail that report out?</p>
<p style="text-align: right;">Page 139</p> <p>1 official name.</p> <p>2 Q And what's your understanding of what the</p> <p>3 monthly report was?</p> <p>4 A It showed service levels. It showed an</p> <p>5 average DOR figure. Those were the two big items,</p> <p>6 service levels and DORs.</p> <p>7 Q For what call centers?</p> <p>8 A Atlanta and Dallas for -- for the BM --</p> <p>9 for the IMCB -- MBP -- wherever I work.</p> <p>10 Q Who would do the monthly report for this</p> <p>11 meeting?</p> <p>12 A This is in the past. I would do the --</p> <p>13 the DOR summary, and one of my compatriots would do</p> <p>14 the other sections, the other section.</p> <p>15 Q Who was your compatriot?</p> <p>16 A Either Tonya McKay or Ileana Rangel,</p> <p>17 R-A-N-G-E-L, who is no longer with us.</p> <p>18 Q Who is on this phone call?</p> <p>19 A By the way, you asked where Ileana had</p> <p>20 moved to?</p> <p>21 Q Yes.</p> <p>22 A Sprint.</p> <p>23 Q Sprint. Thank you.</p> <p>24 A I believe I'm answering all of your</p> <p>25 questions. Maybe not in the right order, but I</p>	<p style="text-align: right;">Page 141</p> <p>1 A To those participants.</p> <p>2 Q And you did that once a week?</p> <p>3 A It started as once a week and then became</p> <p>4 less duration and then stopped.</p> <p>5 Q Were there any other documents that were</p> <p>6 produced for that call; do you know?</p> <p>7 A No.</p> <p>8 Q You don't know?</p> <p>9 A No, there were no other documents.</p> <p>10 Q Were there any documents that were</p> <p>11 generated as a result of the call?</p> <p>12 A Not that I'm aware of.</p> <p>13 Q There's no meeting notes?</p> <p>14 A I never saw any.</p> <p>15 Q Minutes?</p> <p>16 A Yeah, I never saw any.</p> <p>17 Q What was the purpose of the call?</p> <p>18 A I think it was just a status call to</p> <p>19 review service levels and have a weekly contact with</p> <p>20 the -- with the manager -- with the second-line</p> <p>21 managers.</p> <p>22 Q Do you still have these monthly reports?</p> <p>23 A No. They ended some time ago, at least a</p> <p>24 year ago.</p> <p>25 Q Do you still have the reports from a year</p>

<p>1 ago?</p> <p>2 A I don't know.</p> <p>3 Q Did you save them somewhere?</p> <p>4 A Not anyplace special, not like -- not</p> <p>5 like we save a special, you know, adherence report or,</p> <p>6 you know, we -- I'm not aware of there being a place</p> <p>7 to put those reports except to leave them on people's</p> <p>8 computers.</p> <p>9 It was more of a weekly meeting type of a</p> <p>10 thing.</p> <p>11 Q Why did they end?</p> <p>12 MR. RAY: Objection to the extent it</p> <p>13 calls for speculation.</p> <p>14 THE WITNESS: I did not ask why they</p> <p>15 ended.</p> <p>16 BY MR. LANGELAND:</p> <p>17 Q Do you know?</p> <p>18 A I don't know.</p> <p>19 (Thereupon, marked for identification,</p> <p>20 Plaintiff's Exhibit Number P-2.)</p> <p>21 BY MR. LANGELAND:</p> <p>22 Q Could you take a look at Exhibit 2 for</p> <p>23 me?</p> <p>24 A Okay.</p> <p>25 Q Are you familiar with that document?</p>	<p>Page 142</p> <p>1 There is often no difference between</p> <p>2 duties between a team lead and a senior.</p> <p>3 Q Do you know who Isabel Colon is?</p> <p>4 A Yes. I remember her.</p> <p>5 Q Who is she?</p> <p>6 A She was a senior of -- of one of the</p> <p>7 groups back then.</p> <p>8 Q What's the date of this e-mail?</p> <p>9 A I'm reading it as -- the original,</p> <p>10 Sharrie Brown sending it on April 2008.</p> <p>11 Q And the day that you sent it?</p> <p>12 A Is August 3rd, 2006.</p> <p>13 Q Do you know who else would have gotten</p> <p>14 this other than Isabel Colon, the names of people?</p> <p>15 A The -- the managers and their assistants,</p> <p>16 usually seniors --</p> <p>17 Q Who were the managers?</p> <p>18 A -- of anyone that I'm doing a DOR report</p> <p>19 for, and it's the same names as above (indicating).</p> <p>20 Q Okay.</p> <p>21 MR. RAY: As above?</p> <p>22 MR. LANGELAND: We've already talked</p> <p>23 about, I guess.</p> <p>24 THE WITNESS: I pointed -- I pointed</p> <p>25 to -- when I said above.</p>
<p>Page 143</p> <p>1 A I'm familiar with both of -- with most of</p> <p>2 it, not -- not the beginning of it.</p> <p>3 Q And what is this document?</p> <p>4 A This is a notification to managers and</p> <p>5 their assistants that there is a change in the daily</p> <p>6 operating report, and then it gives advice on, you</p> <p>7 know, how to -- how to prepare a better report.</p> <p>8 Q Who are managers and seniors?</p> <p>9 A DOR managers and seniors are -- were the</p> <p>10 managers and seniors at the time for groups for which</p> <p>11 I did daily operating reports.</p> <p>12 Q And a senior, for example, Isabel Colon,</p> <p>13 she would be a senior?</p> <p>14 A She was a senior at the time, yes.</p> <p>15 Q A senior is synonymous with team lead?</p> <p>16 A No. I prefer to call them manager's</p> <p>17 assistants.</p> <p>18 Q Who is the manager's assistant?</p> <p>19 A Usually -- usually a senior.</p> <p>20 Q A senior.</p> <p>21 A Yeah.</p> <p>22 Q And what's the difference between a</p> <p>23 senior, a manager's assistant and a team lead?</p> <p>24 A There is no such thing -- there is no</p> <p>25 such term as a "manager's assistant." That's my term.</p>	<p>Page 145</p> <p>1 MR. RAY: She can't get that.</p> <p>2 THE WITNESS: Oh, right.</p> <p>3 MR. RAY: You've talked about --</p> <p>4 THE WITNESS: As the managers previously</p> <p>5 mentioned.</p> <p>6 BY MR. LANGELAND:</p> <p>7 Q This would be Kerry Bethea?</p> <p>8 A That list, yeah.</p> <p>9 Q Well, I'll run through the list, and you</p> <p>10 tell me if these are the people that got it.</p> <p>11 A Okay.</p> <p>12 Q Kerry Bethea?</p> <p>13 A Yes.</p> <p>14 Q Juanlyn Williams?</p> <p>15 A Yes.</p> <p>16 Q Pete Starratt?</p> <p>17 A Yes.</p> <p>18 Q Karen Troutman?</p> <p>19 A Yes.</p> <p>20 Q Lisa Moody?</p> <p>21 A Yes.</p> <p>22 Q Vicki Torres?</p> <p>23 A Yes.</p> <p>24 Q Anybody else?</p> <p>25 A Yes, Sarah Cerny.</p>

	Page 146		Page 148
1 Q	Anyone else?	1 Q	So they were, in essence, management, and
2 A	Cerry is C-E-R-N-Y.	2	the CSRs would have to follow --
3	I think that covers it all.	3 A	Yes.
4 Q	Any other team leads or seniors?	4 Q	-- their direction.
5 A	I don't remember who they were at the	5 A	Yeah. I would -- I would say that, yes.
6 time, but it would have been part of the distribution		6 MR. RAY: Objection to the extent it's	
7 list.		7 lack of foundation, but you can go ahead and	
8 Q	What is a team lead or a senior -- what	8 answer.	
9 would their function be?		9 BY MR. LANGELAND:	
10 A	Administration -- administrative	10 Q	What does it mean when the e-mail says it
11 functions off phone.		11 will give two different measurements on the CSRs only?	
12 Q	Can you explain that?	12 A	The new addition that this is -- the new
13 A	Yeah. They're not -- they're not call	13 addition to the report that this note refers to is a	
14 takers. They're -- they're helping with, you know,		14 second page that looks at the same group in a	
15 reporting to the manager or doing training or any of		15 different view and, therefore, provides a second set	
16 those duties that the manager needs help with that		16 of measurements.	
17 does not include taking phone calls.		17 Q	And this is the page that was
18 Q	Do they have -- let's say are they	18 discontinued?	
19 somebody that a CSR would have to listen to?		19 A	Yeah.
20 A	Yes, yeah. The senior would be the	20 Q	Okay.
21 representative of the manager.		21 A	Yeah. We didn't do this for long.
22 Q	Okay. So, in other words, if the team	22 Q	Do you still have DORs with that second
23 lead told a CSR to do something, they would have to do		23 page?	
24 it?		24 A	No longer.
25 MR. RAY: Objection.		25 Q	No. Do you have the old ones?
	Page 147		Page 149
1	THE WITNESS: With --	1 A	I have the -- yeah. We've -- we have not
2	MR. RAY: I'm not even sure how to object	2	thrown out any DOR reports.
3	to that one.	3 Q	And what are the two Avaya CMS Agent
4	Objection, calls for speculation, lack of	4 Groups?	
5	foundation.	5 A	We pull information by -- from the
6	THE WITNESS: That's true. It would have	6 database by agent group, and in order to have the	
7	to be with the -- with the knowledge that the	7 second page, we added a second agent group.	
8	person is speaking for the manager.	8 So now there's two agent groups for the	
9 BY MR. LANGELAND:		9 same team.	
10 Q	So, in other words, an order from a team	10 Q	Okay. And later on you got rid of that
11 lead or the senior would be an order from the manager.		11 second one, I take it, or you still have that	
12 MR. RAY: The same objections.		12 second --	
13 THE WITNESS: It seems that that would be		13 A	The groups are still out there, but we're
14 most likely, but it may have varied between		14 not using them in the reports.	
15 manager groups.		15 Q	Okay. What do you mean by "the whole
16 BY MR. LANGELAND:		16 team"?	
17 Q	Is there any instance that you know of	17 A	What paragraph?
18 where the team lead was not -- didn't have authority		18 Q	I'm sorry. Right here (indicating).
19 over --		19 A	I see -- I see it.
20 A	No.	20	The second --
21 Q	-- the CSR?	21	MR. RAY: Just for the record, are you
22 A	No. I can't think of any examples.	22	talking about the whole team referenced in the
23 Q	So, generally speaking, the --	23	second line of page 2?
24 A	Generally speaking, it seems likely that	24	MR. LANGELAND: That's right.
25 they were representing their manager.		25	THE WITNESS: Okay. The whole team is

<p style="text-align: right;">Page 150</p> <p>1 what we were referring to as the second new 2 agent group, and it includes – whereas, the 3 original first page of the DOR is only for CSRs 4 that are on the phone.</p> <p>5 This second view includes the entire 6 group including non-phone personnel like 7 seniors.</p> <p>8 In many cases, it was only the senior to 9 add to the group. So the first group was the 10 telephone takers -- the call takers, and the 11 second group was the call takers plus anyone 12 else, usually just a senior.</p> <p>13 BY MR. LANGELAND:</p> <p>14 Q And why does it say any seniors, team 15 leads, admin, et cetera, that are listed in the plus 16 group should log in every day using AUX 8 admin?</p> <p>17 A That's the AUX code. Everyone who logs 18 into the phone uses AUX codes to determine -- to 19 record what activity they're doing.</p> <p>20 And these are non-phone people all of 21 whose activities are non-phone and, therefore, we want 22 them in that particular AUX code.</p> <p>23 Q Why would you have them in that AUX code?</p> <p>24 That's the one when you're doing 25 non-phone activities; is that right?</p>	<p style="text-align: right;">Page 152</p> <p>1 A I was receiving work instructions and 2 reporting to a Canadian team lead for matters 3 regarding daily operating reports.</p> <p>4 Q Explain that to me.</p> <p>5 A I had an American manager, but I was 6 taking work instruction from a Canadian team lead with 7 regard to the DORs.</p> <p>8 Q So that person was your senior?</p> <p>9 A He was called a team lead, and -- and I 10 took -- he was bossing me, and I was taking direction 11 from him.</p> <p>12 Q You had to follow his direction?</p> <p>13 A Yes.</p> <p>14 Q What was his name?</p> <p>15 A First name Tom. Second name Guinard, 16 G-U-I-N-A-R-D.</p> <p>17 Q This is the guy who originally created 18 the DOR?</p> <p>18 A Yeah.</p> <p>19 Q How many people did this new DOR apply 20 to?</p> <p>21 A Anyone getting a DOR.</p> <p>22 Q Okay. So was this just limited to the 23 IMBPD?</p> <p>24 A Yeah.</p>
<p style="text-align: right;">Page 151</p> <p>1 A No. That's a separate -- admin is a 2 separate AUX code for doing administrative work that's 3 not related to customer contact.</p> <p>4 Q Okay. That's AUX 8 you just referred to.</p> <p>5 A That's AUX 8, yes, which is completely 6 separate from the back office that we were talking 7 about.</p> <p>8 Q Can you read the paragraph that starts 9 with: CSR should continue to and then (1)?</p> <p>10 A All right. Okay.</p> <p>11 Q It says: CSR should continue to: (1) 12 Ensure reps log in only as required, i.e., scheduled 13 to work at 9:00, be ready at 8:50, but only log in at 14 9:00 a.m. to ensure we are not accumulating 15 unproductive hours under Default AUX or AUX 0 for 16 which we are not utilizing or occupying the reps in 17 question.</p> <p>18 Is that right?</p> <p>19 A Yes. That's how it reads.</p> <p>20 Q Okay. Did you write that?</p> <p>21 A No.</p> <p>22 Q You copied that from a senior?</p> <p>23 A No. I copied it from a -- recommended 24 terminology that I had received from Canada.</p> <p>25 Q Why was that recommended?</p>	<p style="text-align: right;">Page 153</p> <p>1 Q What does that mean when it says: Ensure 2 reps log in only as required, i.e., scheduled to work 3 at 9:00, be here at 8:50?</p> <p>4 A I don't know what the intention was, and 5 I didn't take a lot of time to look at that, so I 6 really wouldn't want to characterize what he meant by 7 those words. They're not my words.</p> <p>8 Q Well, doesn't it mean somebody has to be 9 here 10 minutes before their start time?</p> <p>10 A I might have interpreted that as being a 11 little more general saying, hey, be there with enough 12 time to start on time at 9:00 o'clock.</p> <p>13 Q So be ready to start at your designated 14 start time?</p> <p>15 A Be ready to -- be ready to log-in and 16 start at 9:00 o'clock, yes. If we're saying the same 17 thing, yes.</p> <p>18 Q So you should be ready to take phone 19 calls at your start time.</p> <p>20 A Well, you should be turning everything on 21 at your start time.</p> <p>22 There's two things to do. You log-in -- 23 you log into the computer and you turn on your 24 computer. You do those at the same time at your start 25 time.</p>

<p style="text-align: right;">Page 154</p> <p>1 Q Then why does it say come 10 minutes 2 early?</p> <p>3 MR. RAY: Objection to the extent it 4 mischaracterizes the e-mail.</p> <p>5 THE WITNESS: I -- I interpret that as 6 meaning just be there early enough so that 7 you're on time for your start time.</p> <p>8 BY MR. LANGELAND:</p> <p>9 Q So you're ready to start working at your 10 start time.</p> <p>11 MR. RAY: Objection to the extent it's 12 asked and answered.</p> <p>13 THE WITNESS: Yes, if by starting work 14 you mean logging into the telephone and turning 15 on your computer.</p> <p>16 BY MR. LANGELAND:</p> <p>17 Q What does it mean when it says: But only 18 log in at 9:00 a.m. to ensure we are not accumulating 19 unproductive hours?</p> <p>20 A The -- the count -- the amount of time 21 that you spend working the phones, actually being 22 available or being either on the phone or waiting for 23 the next call.</p> <p>24 And -- and that would certainly -- and 25 that would certainly reduce the percentage of time,</p>	<p style="text-align: right;">Page 156</p> <p>1 Q You just forwarded it?</p> <p>2 A It was part of recommended -- it was 3 something that was recommended to put through. I 4 copied and pasted it.</p> <p>5 Q What does this mean: Crisp log-in and 6 log-outs will help eliminate unauthorized time for 7 which we can't earn any hours?</p> <p>8 MR. RAY: Objection to the extent he just 9 answered that.</p> <p>10 THE WITNESS: Yeah. There is -- this is 11 not terminology that I would use, and so I'm 12 not sure -- I'm not sure what the author 13 intended.</p> <p>14 BY MR. LANGELAND:</p> <p>15 Q Well, how do you earn hours?</p> <p>16 MR. RAY: The same objection.</p> <p>17 THE WITNESS: The same -- yeah. I 18 believe he's talking about being -- of being on 19 the phones working the phones, either being on 20 a call or being available to take the next 21 call.</p> <p>22 BY MR. LANGELAND:</p> <p>23 Q Right. And that's what a call center 24 does, right?</p> <p>25 A In general, yes.</p>
<p style="text-align: right;">Page 155</p> <p>1 you know, that you're working the phones, if you've 2 logged in and you're, you know, off on some AUX code.</p> <p>3 Q And you want to minimize that?</p> <p>4 A It doesn't really affect the DOR report's 5 major reporting. It doesn't -- it doesn't affect the 6 occupancy rate which is the major reason for doing the 7 DOR, but it would decrease the percentage of time that 8 you're working the phones.</p> <p>9 It's not a major measurement but, I mean, 10 that would still apply.</p> <p>11 Q So why does it say that you don't want to 12 accumulate unproductive hours?</p> <p>13 A Just in the sense that if you're not on 14 the phone, you're decreasing the percentage of time 15 that you're on the phone.</p> <p>16 That's -- that's all I can think. It's 17 not my words, so I don't really know.</p> <p>18 Q And the last sentence of that paragraph 19 says: Crisp log-in and log-outs will help eliminate 20 any unutilized time for which we can't earn any hours?</p> <p>21 A I don't know what that means. I'm sorry.</p> <p>22 Q So you forward this e-mail even though 23 you didn't understand what that meant?</p> <p>24 A I did not spend a lot of time on that 25 particular paragraph.</p>	<p style="text-align: right;">Page 157</p> <p>1 Q And that's how you get paid?</p> <p>2 MR. RAY: Objection to the extent this 3 has all been asked and answered. It lacks 4 foundation, calls for speculation to the extent 5 you're talking about sponsors, contractors, et 6 cetera, but go ahead.</p> <p>7 THE WITNESS: And I don't know how to 8 answer that question, anyway, so -- that's such 9 a general question.</p> <p>10 BY MR. LANGELAND:</p> <p>11 Q All right. How does a call center get 12 paid?</p> <p>13 MR. RAY: The same objections. It's not 14 his role, lack of foundation, calls for 15 speculation.</p> <p>16 THE WITNESS: That's true. I don't --</p> <p>17 MR. RAY: You can answer to the extent 18 that you know.</p> <p>19 BY MR. LANGELAND:</p> <p>20 Q It doesn't matter if it's your role or 21 not. I'm asking your understanding.</p> <p>22 A I have not thought too much about it 23 because it's not my area of --</p> <p>24 Q You have no idea how a call center gets 25 paid?</p>

Page 158	Page 160
<p>1        What's your answer?</p> <p>2    A    Oh, I have a general understanding that</p> <p>3 the sponsor pays for the work done in any particular</p> <p>4 group that they're sponsoring.</p> <p>5    Q    So why don't just everybody go into AUX</p> <p>6 for the whole time all day? Then you don't have to</p> <p>7 answer the phone calls.</p> <p>8        MR. RAY: Objection. I don't even know</p> <p>9 how to object to those questions.</p> <p>10      Objection, calls for speculation.</p> <p>11      You can answer.</p> <p>12      THE WITNESS: Why don't people sit in AUX</p> <p>13 all day long?</p> <p>14 BY MR. LANGELAND:</p> <p>15     Q    Yes.</p> <p>16     A    I don't know.</p> <p>17     Q    Wouldn't they get fired?</p> <p>18     MR. RAY: The same objections.</p> <p>19     THE WITNESS: It's not -- not my area.</p> <p>20     You would -- I would refer you to the manager</p> <p>21 for that.</p> <p>22 BY MR. LANGELAND:</p> <p>23     Q    What does it mean when it says: Schedule</p> <p>24 adherence will impact service level achievement?</p> <p>25     A    In general, the closer the schedules are</p>	<p>1 temporary dip in service level, but it might be fine</p> <p>2 for the day.</p> <p>3    Q    Okay. Any others?</p> <p>4    A    Any other measurements?</p> <p>5    Q    That would be negatively affected?</p> <p>6    A    No. Occupancy rate would not be either</p> <p>7 positively or negatively affected.</p> <p>8        The only measurement that would be</p> <p>9 affected would be the actual percentage of time the</p> <p>10 people are on the phones.</p> <p>11     Q    And what does a sponsor think of that?</p> <p>12     MR. RAY: Objection, calls for</p> <p>13 speculation.</p> <p>14 BY MR. LANGELAND:</p> <p>15     Q    When a sponsor -- does a sponsor want the</p> <p>16 CSRs to be on the phones for a particular amount of</p> <p>17 time?</p> <p>18     MR. RAY: The same objection to the</p> <p>19 extent it calls for speculation.</p> <p>20     THE WITNESS: Yeah. I would infer that</p> <p>21 they're operating at a higher level and just</p> <p>22 want to make sure that the service level is</p> <p>23 met.</p> <p>24 BY MR. LANGELAND:</p> <p>25     Q    So they don't care, the percentage</p>
Page 159	Page 161
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<p>1        What's your answer?</p> <p>2    A    Oh, I have a general understanding that</p> <p>3 the sponsor pays for the work done in any particular</p> <p>4 group that they're sponsoring.</p> <p>5    Q    So why don't just everybody go into AUX</p> <p>6 for the whole time all day? Then you don't have to</p> <p>7 answer the phone calls.</p> <p>8        MR. RAY: Objection. I don't even know</p> <p>9 how to object to those questions.</p> <p>10      Objection, calls for speculation.</p> <p>11      You can answer.</p> <p>12      THE WITNESS: Why don't people sit in AUX</p> <p>13 all day long?</p> <p>14 BY MR. LANGELAND:</p> <p>15     Q    Yes.</p> <p>16     A    I don't know.</p> <p>17     Q    Wouldn't they get fired?</p> <p>18     MR. RAY: The same objections.</p> <p>19     THE WITNESS: It's not -- not my area.</p> <p>20     You would -- I would refer you to the manager</p> <p>21 for that.</p> <p>22 BY MR. LANGELAND:</p> <p>23     Q    What does it mean when it says: Schedule</p> <p>24 adherence will impact service level achievement?</p> <p>25     A    In general, the closer the schedules are</p>	<p>1 temporary dip in service level, but it might be fine</p> <p>2 for the day.</p> <p>3    Q    Okay. Any others?</p> <p>4    A    Any other measurements?</p> <p>5    Q    That would be negatively affected?</p> <p>6    A    No. Occupancy rate would not be either</p> <p>7 positively or negatively affected.</p> <p>8        The only measurement that would be</p> <p>9 affected would be the actual percentage of time the</p> <p>10 people are on the phones.</p> <p>11     Q    And what does a sponsor think of that?</p> <p>12     MR. RAY: Objection, calls for</p> <p>13 speculation.</p> <p>14 BY MR. LANGELAND:</p> <p>15     Q    When a sponsor -- does a sponsor want the</p> <p>16 CSRs to be on the phones for a particular amount of</p> <p>17 time?</p> <p>18     MR. RAY: The same objection to the</p> <p>19 extent it calls for speculation.</p> <p>20     THE WITNESS: Yeah. I would infer that</p> <p>21 they're operating at a higher level and just</p> <p>22 want to make sure that the service level is</p> <p>23 met.</p> <p>24 BY MR. LANGELAND:</p> <p>25     Q    So they don't care, the percentage</p>
Page 159	Page 161
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<p>1 sponsor?</p> <p>2 A No, never.</p> <p>3 Q Your reports always go to management?</p> <p>4 A Yes.</p> <p>5 Q And then management provides them to the</p> <p>6 sponsor; is that right?</p> <p>7 A From there --</p> <p>8 Q You don't know?</p> <p>9 A From there, I just give it to the</p> <p>10 managers.</p> <p>11 (Thereupon, a recess was taken.)</p> <p>12 MR. LANGELAND: Back on the record.</p> <p>13 BY MR. LANGELAND:</p> <p>14 Q We were talking about Exhibit 2 before we</p> <p>15 broke, and that was an e-mail that you sent regarding</p> <p>16 the new DOR?</p> <p>17 A Yes.</p> <p>18 Q Right?</p> <p>19 A Yes.</p> <p>20 Q And your testimony was that you did not</p> <p>21 understand what the person who sent this e-mail to you</p> <p>22 meant, what the language in the e-mail meant; is that</p> <p>23 correct?</p> <p>24 MR. RAY: Objection to the extent it</p> <p>25 mischaracterizes his testimony.</p>	<p>Page 162</p> <p>1 BY MR. LANGELAND:</p> <p>2 Q Did you understand that when you sent it</p> <p>3 out?</p> <p>4 A I was only copying and pasting it. I</p> <p>5 honestly did not spend much time looking at this,</p> <p>6 and that's --</p> <p>7 Q You just sent it out.</p> <p>8 A -- and that's the truth.</p> <p>9 Q Did he direct you to do that?</p> <p>10 A Yes.</p> <p>11 Q And you just followed his direction?</p> <p>12 A Yes.</p> <p>13 Q And this is meant to be a policy, isn't</p> <p>14 it?</p> <p>15 MR. RAY: Objection, calls for</p> <p>16 speculation, foundation.</p> <p>17 BY MR. LANGELAND:</p> <p>18 Q Go ahead.</p> <p>19 A Not that I'm aware of. I don't deal with</p> <p>20 policy like that.</p> <p>21 Q Well, it says: CSR should continue to</p> <p>22 ensure reps log in only as required, i.e., scheduled</p> <p>23 to work at 9:00, be ready at 8:50, right?</p> <p>24 A It's --</p> <p>25 MR. RAY: Objection to the extent it's</p>
<p>1 THE WITNESS: What I said was that I</p> <p>2 hadn't spent a lot of time analyzing it.</p> <p>3 BY MR. LANGELAND:</p> <p>4 Q And so when you look at this e-mail here,</p> <p>5 when it says: Ensure reps log in only as required,</p> <p>6 i.e., scheduled to be work at 9:00, be ready at 8:50</p> <p>7 but only log in at 9:00 a.m. to ensure we are not</p> <p>8 accumulating unproductive hours, what does that mean</p> <p>9 to you?</p> <p>10 MR. RAY: Objection to the extent it's</p> <p>11 been asked and answered.</p> <p>12 THE WITNESS: As I said before, they're</p> <p>13 not my words, and I don't know what his</p> <p>14 intention was.</p> <p>15 BY MR. LANGELAND:</p> <p>16 Q Did you ever ask him?</p> <p>17 A No.</p> <p>18 Q But you sent this out, and it said: CSR</p> <p>19 should continue to do this; is that right?</p> <p>20 A It's just -- it's a cut and paste from a</p> <p>21 different note.</p> <p>22 Q Right. But that's what it says, right?</p> <p>23 A Yes.</p> <p>24 MR. RAY: Object.</p> <p>25</p>	<p>Page 163</p> <p>1 asked and answered, and I'm not even sure what</p> <p>2 the question was.</p> <p>3 THE WITNESS: That's administered by the</p> <p>4 managers, not from me. I have nothing to do</p> <p>5 with that end of things.</p> <p>6 I don't tell the reps what to do, when to</p> <p>7 start. I don't tell them anything. That comes</p> <p>8 from the manager.</p> <p>9 BY MR. LANGELAND:</p> <p>10 Q Okay. But it says they should continue</p> <p>11 to do that, right?</p> <p>12 A It says that in the note.</p> <p>13 Q So that implies that they were doing</p> <p>14 that?</p> <p>15 A Not necessarily, not to my -- not to my</p> <p>16 knowledge or understanding.</p> <p>17 Q And you didn't ask Tom Guinard what he</p> <p>18 meant by that?</p> <p>19 A No.</p> <p>20 Q Does Tom still work for IBM?</p> <p>21 A Not in this capacity. I believe he works</p> <p>22 in a different city now.</p> <p>23 Q Where does he work now?</p> <p>24 A I'm sorry. I'm not sure. I don't know.</p> <p>25 Q Who was Tom's boss at the time he wrote</p>